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type, which will ultimately prevail. There seems to be no good reason for doubting his conclusion. As Elihu Root says in the foreword of the book, "No one doubts that it is the proper function of the government to secure justice. In a broad sense that is the chief thing for which government is organized. Nor can anyone question that the highest obligation of government is to secure justice for those who, because they are poor and weak and friendless, find it hard to maintain their own rights." The author maintains that "Legal aid work is part and parcel of the administration of justice." Probably nothing would be more effective in allaying anarchistic tendencies among the poor and ignorant than well conducted and efficient legal aid bureaus maintained by the government itself. The great drawback to such bureaus is that the personnel is likely to suffer from political influences. But this is equally true of all departments in a democratic government, and can be surmounted here as well as elsewhere.

Legal aid is shown to be a very cheap form of charity. In 1916 thirty organizations took care of over 100,000 cases at an average net cost of about \$1.50 per case. In no way could the state derive a greater ultimate advantage from a comparatively small expenditure.

The greatest present weakness of the Legal Aid Societies is lack of funds, which would be remedied if taken over by the state, and lack of centralized organization. Considerable space is devoted to the relation of the Legal Aid Society to the law, to the community, to organized charity and to the bar. From whatever side they are examined they hold out promise of great usefulness if properly developed and provided with capable leadership. This leadership must come from the bar.

The book is written in clear and forcible language, and is as entertaining as it is instructive; the author never allows himself to wander into vague generalities, but marshals his concrete data with great skill; his historical matter is sufficient to serve his purpose, but his chief concern is the effectiveness, not the origin, of the methods he discusses. He has also made his book an immensely valuable bibliography of the subject by full citations of all the more important books, articles, addresses and reports bearing on the matters under discussion, and has added a very well prepared index.

The author and the Carnegie Foundation for the Advancement of Teaching have done a great service to America and to the American bar by preparing and publishing this illuminating treatise on justice for the poor.

E. R. SUNDERLAND.

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EXPERIMENTS IN INTERNATIONAL ADMINISTRATION, by Francis Bowes Sayre, S. J. D. New York, Harper and Brothers, 1919; pp. xvi, 201.

Mr. Sayre's book was completed between the signing of the armistice and the meeting of the Peace Conference. If the author were writing today, in the light of all that has happened during the past twelvemonth, it is probable that his optimism about cooperative internationalism and the League of Nations triumphant would be much more restrained. Unlike so much that has been written of late, however, the book's permanent value is in no way im-

paired by the circumstance that it was prompted by an evanescent hope. Perhaps it is all the more valuable for having been written before hope evanesced.

The author assumes that if we are to get on with international organization we must be guided largely by experience, and he presents us with a brief and very readable survey of international experience in the field of administration. We are reminded at the outset that this is not the first occasion on which diplomats have assembled at the close of cataclysmic war to inaugurate a new era of peace. An interesting system of international guaranties for the enforcement of peace was devised at Westphalia in 1648 and amplified at Utrecht in 1713. After the Napoleonic wars this system was supplemented by attributing an ill-defined supernational authority to the Concert of the Great Powers. The great hopes of 1648, 1713, and 1815 ended in failure, according to the author, for two reasons: (1) because the treaties which terminated those wars were essentially unjust in their provisions, and (2) because the nations were unwilling to submit to enough external control to make an effective international organization possible. The hope of the future must be realized through a peace of justice enforced by an organization with power. The precedents for such an organization, while significant as regards tendencies indicated, are not otherwise assuring. The author divides them into three types: (1) international administrative organs with little or no real power of control; (2) international executive organs with real power of control over some local situation within a particular state or states; (3) international executive organs with real power of control over all the member states themselves. The best known as well as the most successful institution of the first type is the Universal Postal Union. While successful examples of this type might be given almost without number, according to the author, "the successful examples of the second type, where substantial governing power exists, are extremely few." The best example is the European Danube Commission. Others are given, but in most instances they seem to have been relatively unimportant, e. g., the international lighthouse at Cape Spartel, Morocco, or to have failed to function successfully, e. g., the Moroccan International Police and the Albanian International Commission of Control. Instances in which the third type of institution has been successfully established are still more rare. As the author remarks, "states are so extravagantly tender of their own sovereignty that nothing but compelling necessity will produce an organ of the third type." The International Sugar Commission is by all odds the most significant and striking example of such an institution. Other examples are the international river commissions of Europe. The author concludes as follows: "It must be frankly recognized that up to this time very few international executive organs with power have proved successful. The reason, however, is not to be sought in any fundamental impossibilities in international government. The true explanation lies in the fact that hitherto nations, loath to restrict the exercise of their own sovereign powers, have been unwilling to accord any real power of control to an international body. The striking fact is not that successes have been so few, but rather that in the very few cases where international government has been sincerely and honestly tried, and where

necessity has forced the nations to accord to the international organ sufficient power, the results have been on the whole successful."

In one respect the title and plan of the book are somewhat confusing. The title invites the reader to assume that only the so-called international administrative unions are to be considered, while the plan includes a discussion of principles of international executive organization in a broader sense. Yet the Concert of Great Powers, probably the most significant experiment in international executive control to date, is summarily dismissed as a failure in a few words in the introductory chapter. The exclusion is perhaps justified in a book of this kind, but a more adequate explanation in the preface would have been appreciated. In any case, the manner of the exclusion is unsatisfactory.

The author presents some interesting conclusions in regard to the unanimity requirement and equality of voting power. Of the former, he says: "To make the assertion that the unanimity requirement has, in one way or another, been dispensed with wherever prompt and effective action has seemed imperative, would be too sweeping a statement of the case; for in a number of instances, where the organ is comparatively small, or where single blocking states can be coerced into line through moral or social pressure, the unanimity requirement still remains. Nevertheless, the fact that in those international organizations which have proved most successful the unanimity requirement has in most instances been displaced by the rule of the majority vote, is of sufficient significance to be worthy of serious consideration by those who would give to the League of Nations an executive organ of real efficiency." On the latter point, he concludes: "Power to influence the future course of nations springs rather from inherent native capacities than from rights; and if an international organ is to accord truly to the world of facts, the member states which compose it will be given voting power more or less according to their actual world influence. To give to states which are unequal in wealth, in area, in population, in native capabilities, in influence, and in military power, exactly the same voting power in a duly constituted executive organ would be to depart far from justice; and no institution founded on injustice can permanently endure." The author is inclined to favor a plan whereby votes may be apportioned according to responsibilities assumed, leaving each nation free to decide for itself the extent to which it will assume responsibilities. In the opinion of the present reviewer, the above conclusions are amply justified by reason and experience.

It is no pleasant part of the reviewer's task to point out some astonishing inaccuracies of statement in the author's discussion of the equality of states. He says (p. 158) that "volumes have been written to prove that all states, like men, are created equal." An exhaustive search for material on the subject of equality has yielded nothing more pretentious, outside the rather meager discussions in text-books and treatises, than a reprint of some thirty odd pages. It is hardly conceivable that the author intended the statement to be taken literally. He says further (p. 159) that the dogma of equality is sometimes taken to mean that "all states are equal in fact." It is taken somewhat indiscriminately to mean equal protection of the law and

equality of rights or of capacity for rights, but no one, so far as the present reviewer is aware, has ever asserted the obvious absurdity that states are equal in fact. On the contrary, writers have repeatedly pointed out that states are not equal in fact and have distinguished equality in law and inequality in fact with many refinements of reasoning. Again, he says (p. 160): "As some writers have put it, equality of *rights* must be very carefully distinguished from equality of *capacities*. Nations have equal rights before the law, but not equal capacities." This is an astounding statement for one who, as a lawyer, must be presumed to understand the meaning of the word "rights" and the word "capacities." If nations can be said to have equal rights it is because they have equal capacities, but they may have equal capacities without having equal rights. The writers to which the author probably refers present the distinction in this way. See Carnazza-Amari, *Trattato*, 2d ed., p. 277; Chrétien, *Principes*, secs. 161, 163; Fiore, *Trattato*, 4th ed., secs. 420-421, I, 289; Pradier-Fodéré, *Traité*, sec. 449, II, 11. It is a pleasure to add that inaccuracies of statement like the above are not characteristic of the book as a whole.

The book was written originally, one may surmise, for the edification of our delegates to the Peace Conference. The result is a pleasing little volume which any one may enjoy and comprehend. It may be added that it is almost entirely free from the raucously assertive style of so much of our recent "historical propaganda." It deserves a wide reading.

May not Mr. Sayre be persuaded to undertake similar surveys of international legislative and judicial experience to date. More detailed and exhaustive monographs on the same subjects would also be welcome.

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